

8-9-B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (1200 TN 350 8-9-B)**1. AUTHORITY.**

- a. To represent the Agency in administrative enforcement actions conducted under the Solid Waste Disposal Act (SWDA) and 5 U.S.C. Section 554;
- b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement action;
- c. To initiate an appeal from an administrative determination and represent the Agency in such appeals; and
- d. To sign consent agreements between the Agency and respondents resulting from such enforcement action.

2. TO WHOM DELEGATED.

- a. The authorities in 1.a., 1.b., and 1.c. are delegated to the Regional Counsel.
- b. The authorities in 1.b. and 1.d. are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD); Chief, Air, RCRA and Toxics Branch, ECAD; Director, Land, Chemicals and Redevelopment Division (LCRD); Chief, RCRA Corrective Action Branch 1, LCRD; and the Chief, RCRA Corrective Action Branch 2, LCRD.

3. LIMITATIONS. The Regional Counsel (RC) must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance prior to initiating an appeal.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. See Chapter 8 Delegation entitled, "Administrative Enforcement - Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements."

8-9-B. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (continued)

6. SUPERSESSION. Delegations Manual, SWDA, Regional Delegation 8-9-B. Administrative Enforcement: Agency Representation in Hearing and Signing of Consent Agreements, 1200 TN RIII 149 (February 27, 2003).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator